

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

SMITHGROUP, INC.,	)	
f/k/a SmithGroup JJR, Inc.	)	
	)	
Plaintiff/Counterclaim Defendant,	)	
	)	
v.	)	Civil Action No.: 8:20-cv-02499-TDC
	)	
SKANSKA USA BUILDING INC.	)	
	)	
Defendant/Counterclaim Plaintiff.	)	

**JOINT MOTION FOR EXTENSION OF TIME AND TO  
AMEND SCHEDULING ORDER DEADLINES**

SmithGroup, Inc. (“SmithGroup”) and Skanska USA Building Inc. (“Skanska”) (collectively the “Parties”), jointly by their respective counsel, pursuant to Rules 6(b) and 7 of the Federal Rules of Civil Procedure and Local Rule 105.9, hereby submit this Joint Motion for Extension of Time and to Amend Scheduling Order Deadlines, and in support thereof, state as follows:

1. On November 25, 2020, the Parties jointly requested an extension of the Scheduling Order deadlines set by the Court in the initial Scheduling Order (ECF No. 19) as a result of, among other things, the serious limitations and restrictions posed relating to the COVID-19 pandemic and subsequent required protocols. *See* ECF No. 21.

2. Accordingly, after hearing undersigned counsel’s remarks at the Rule 16 Case Management Conference on December 3, 2020, the Court granted the joint request and the Scheduling Order deadlines were amended to extend all remaining deadlines by sixty (60) days. *See* ECF No. 23.

3. The Parties have continued to engage in discovery and, despite the reasonable efforts of all counsel, the COVID-19 pandemic continued to impact the Parties' efforts. The Parties require additional time to conduct and complete necessary discovery. In particular, the Parties have encountered lengthy, unexpected delays in acquiring records from non-party project participants and conducting technical and time-consuming onsite commissioning, as well as testing and inspections necessary to complete the project and equip the Parties' respective experts in developing and issuing their required disclosures. There was also a technical problem on site that required the procurement of replacement parts, for which shipping was delayed and which delayed the testing process by approximately thirty (30) days. The Parties therefore seek additional time to properly present and evaluate their respective claims and defenses in this matter and have jointly agreed to seeking a brief extension of time for remaining deadlines.

4. Thus, the Parties request an extension of the Scheduling Order deadlines to extend all remaining deadlines by sixty (60) days.

5. The Parties have agreed to the following proposed modifications of the Amended Scheduling Order:

### **DEADLINES**

The following motions or reports must be filed, or actions taken, by the listed date:

	<u>Previous Deadline</u>	<u>New Deadline</u>
Plaintiff's <sup>1</sup> Rule 26(a)(2) Disclosures:	March 26, 2021	May 25, 2021
Defendant's Rule 26(a)(2) Disclosures:	April 23, 2021	June 22, 2021
Plaintiff's Rebuttal Expert Disclosures	May 7, 2021	July 6, 2021
Rule 26(e)(2) supplementation	May 14, 2021	July 13, 2021

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<sup>1</sup> "Plaintiff" refers to the party with the burden of proof – SmithGroup on its primary claim for unpaid fees and Skanska on its counterclaim.

Close of Discovery and Post-Discovery Joint Status Report	July 23, 2021	September 21, 2021
Requests for Admission	July 30, 2021	September 28, 2021
Notice of Intent to File a Pretrial Dispositive Motion	August 6, 2021	October 5, 2021

6. In light of the above, good cause exists to grant the relief requested. Furthermore, given that a trial date has not yet been set in this matter, it is counsel's hope that the Court will not be unduly burdened or inconvenienced by the request for modification of the Scheduling Order.

7. Additionally, as this is a joint request, neither party will be prejudiced by this request.

WHEREFORE, SmithGroup, Inc. and Skanska USA Building Inc., respectfully request that this Honorable Court grant the Motion for Extension of Time and to Amend Scheduling Order Deadlines in accordance with the foregoing and as set forth in the attached proposed Order.

Dated: March 17, 2021

Respectfully submitted,

**SMITHGROUP, INC.**

By: /s/ Leslie Paul Machado  
Leslie Paul Machado (Bar No. 14952)  
Alison C. Duffy (Md. Bar No. 21002)  
O'HAGAN MEYER, PLLC  
2560 Huntington Avenue, Suite 204  
Alexandria, Virginia 22303  
(703) 775-8607 (phone)  
(804) 403-7110 (facsimile)  
[lmachado@ohaganmeyer.com](mailto:lmachado@ohaganmeyer.com)  
[aduffy@ohaganmeyer.com](mailto:aduffy@ohaganmeyer.com)

Stephan F. Andrews (admitted *pro hac vice*)  
James W. Walker (admitted *pro hac vice*)  
O'HAGAN MEYER, PLLC  
411 East Franklin Street, 5<sup>th</sup> Floor  
Richmond, Virginia 23219  
804.403.7100 (phone)  
804.403.7110 (facsimile)  
[SAndrews@ohaganmeyer.com](mailto:SAndrews@ohaganmeyer.com)  
[jwalker@ohaganmeyer.com](mailto:jwalker@ohaganmeyer.com)

*Counsel for SmithGroup, Inc.*

**SKANSKA USA BUILDING INC.**

By: /s/ Thomas S. O'Leary  
Thomas S. O'Leary (MD Bar No. 20442)  
Brian R. Dugdale (admitted *pro hac vice*)  
Paul A Varela (admitted *pro hac vice*)  
VARELA, LEE, METZ & GUARINO, LLP  
1600 Tysons Blvd, Suite 900  
Tysons Corner, VA 22102  
Tel: 703.454.0170  
Fax: 703.454.0169  
[toleary@vlmglaw.com](mailto:toleary@vlmglaw.com)  
[bdugdale@vlmglaw.com](mailto:bdugdale@vlmglaw.com)  
[pvarela@vlmglaw.com](mailto:pvarela@vlmglaw.com)

*Counsel for Skanska USA Building Inc.*